

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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Joshua Lebarron, individually and on behalf of all similarly situated individuals, Case No. 6:14-cv-06628-FPG-MWP

Plaintiff,

v.

**STIPULATION TO STAY  
PROCEEDINGS PENDING  
MEDIATION**

Kayden Industries (USA), Inc.,

Defendant

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WHEREAS, Joshua Lebarron filed a putative collective action against his former employer Defendant Kayden Industries (USA), Inc. (“Defendant”), alleging that he and other similarly-situated employees were misclassified under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.*, (Compl., ECF No. 1);

WHEREAS, Plaintiff Lebarron also alleges that Defendant failed to pay him proper wages under the Pennsylvania Minimum Wage Act (“PMWA”), 23 P.S. § 333.101, (*Id.*);

WHEREAS, this case alleges a nationwide putative collection action under the FLSA for solids controls technicians;

WHEREAS, the Court ordered the parties prepare and submit a Proposed Discovery Plan to the Court by January 9, 2015, for the Rule 16 conference scheduled for January 14, 2015, (Order, ECF No. 15);

THEREFORE, the parties stipulate:

1. The parties agree to attempt resolving Plaintiffs’ and the putative Collective Class’s overtime claims by attending mediation in March 2015. The parties will choose a mediator by January 30, 2015.

2. Given the parties' desire to attempt early resolution of this case, the parties agree and request the Court cancel the Rule 16 conference and delay issuing a Scheduling Order pending the results of mediation. The parties will inform the Court of the results of mediation within three days of the mediation and, if necessary, request a new date for the Rule 16 conference at that time.

3. In order to provide time to prepare for and attend the mediation, the parties agree to a tolling of the statute of limitations for solid controls technicians' overtime claims.

4. This tolling applies to federal and state overtime claims for solids controls technicians whose statute of limitations have not already been tolled by filing a consent form.

5. The statute of limitations for solids controls technicians will be tolled pursuant to this Stipulation between December 30, 2014, and the date of mediation.

Date: December 31, 2014

s/Alexander M. Baggio

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2014, I electronically filed the foregoing document with the clerk of Court using the electronic case filing system, which will send notification of such filing to the following counsel of record:

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